

Dec 3, 2006

United States District Court  
District of Massachusetts

0412186-NG

Response to Defendants Mediation Position  
Memoranda

Honorable Joyce London Alexander

As far as confidentiality, Stop and Shop management and fatima cabral did not keep anything confidential.

Claims

Stop & Shop claims

Store management according to Stop & Shop  
Meanwhile, store management was holding  
the department accountable for maintaining  
Standards, Department staff (store management)  
did thier best to cover for devine & who wanted  
to keep his (condition) (disability) confidential

Devine claims

Devine did so requested an accommodation  
explicitly and implicitly a reasonable  
accommodation. If devine notified them of  
a condition or disability an accommodation

had to follow if performance deteriorated.

### Stop and Shop Claims

Davine never notified any Member of Stop and Shop Management of his HIV positive status and purported need for an accommodation.

### Davine claims

Yes indeed Davine did inform management of his condition HIV positive status and disability and Stop & Shop claims that it deteriorated, if so then once store management knew or should have known of conditions that rise to the level of a disability, it the defendants responsibility to commence in an interactive dialogue with the plaintiff, once it was obvious then they were suppose to initiate a reasonable accommodation interactive process or meeting to clarify what the individual needs and identifying. If ~~it~~ it deteriorated then condition was obvious.

Please Reschedule mediation meeting